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Barbara B. Courtney

(Typed or printed name of person mailing paper(s) or fee(s))



(Signature of person mailing paper or fee)

January 14, 2004

(Date signed and mailed)

Serial/Patent No. 10670640 Filing/Issue Date: September 24, 2003 Client: D. Young & Co.
Title: ORTHOPAEDIC SURGERY PLANNING

Atty. Docket No.: DYNG P001

Date Mailed: January 14, 2004

The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:

- | | |
|---|---|
| <input type="checkbox"/> Amendment/Response (<u> </u> pgs.) | <input type="checkbox"/> Petition for Extension of Time (<u> </u> month(s)) |
| <input type="checkbox"/> Preliminary Amendment (2 pgs.) | <input type="checkbox"/> Information Disclosure Statement & PTO/SB/08A |
| <input type="checkbox"/> Application - Utility (35 pgs.) | <input type="checkbox"/> Issue Fee Transmittal |
| <input type="checkbox"/> Application - Rule 1.53(b) Contin. (<u> </u> pgs.) | <input type="checkbox"/> Submission of Formal Drawings |
| <input type="checkbox"/> Application - Rule 1.53(b) Divis. (<u> </u> pgs.) | <input type="checkbox"/> Notice of Appeal |
| <input type="checkbox"/> Application - Rule 1.53(b) CIP (<u> </u> pgs.) | <input type="checkbox"/> Appeal Brief (<u> </u> pgs. in triplicate) |
| <input type="checkbox"/> Application - Rule 1.53(d) CPA (<u> </u> pgs.) | <input type="checkbox"/> Reply Brief |
| <input type="checkbox"/> Application - PCT (<u> </u> pgs.) | <input checked="" type="checkbox"/> Response to Notice of Missing Parts |
| <input type="checkbox"/> Application - Provisional (<u> </u> pgs.) | <input type="checkbox"/> Utility Patent Application Transmittal |
| <input type="checkbox"/> Drawings (Formal, sheets) | <input checked="" type="checkbox"/> Fee Transmittal (in duplicate) |
| <input checked="" type="checkbox"/> Declaration (2 pgs.) | <input checked="" type="checkbox"/> Itemized Postcard |
| <input type="checkbox"/> Assignment & Cover Sheet (<u> </u> pgs.) | <input checked="" type="checkbox"/> First Class Mail Certificate Of Mailing |
| <input checked="" type="checkbox"/> Power of Attorney by Assignee (2 pgs.) | <input type="checkbox"/> Express Mail No. <u> </u> |
| <input type="checkbox"/> Nonpublication Request (35 USC 122(b)) | <input checked="" type="checkbox"/> Check No. <u>3282</u> Amt <u>\$130.00</u> |
| <input checked="" type="checkbox"/> Other <u>Copy of Notice to File Missing Parts of Application; Certified copy of Priority Document</u> | |



Atty. Docket No. DYNG.P001

PATENT

IN THE UNITED STATES PATENT OFFICE

In Re Patent Application of:

David Kitson

Application No. 10/670,640

Filed: September 24, 2003

For: ORTHOPAEDIC SURGERY PLANNING

) Examiner: Not assigned

) Art Unit: 2621

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Barbara B. Courtney
(Typed or printed name of person mailing paper(s) or fee(s))


(Signature of person mailing paper or fee)

January 14, 2004
(Date signed and mailed)

RESPONSE TO NOTICE TO FILE MISSING PARTS

Sir:

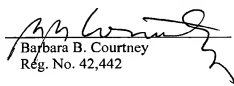
In response to a Notice to File Missing Parts mailed December 12, 2003 in connection with the above-referenced provisional patent application, Applicant herewith submits the following:

1. copy of the Notice to file Missing Parts of Patent Application;
2. Declaration;
3. Power of Attorney by Assignee;
4. Certified Copy of the Priority Document;
5. USPTO fee transmittal (in duplicate); and
6. check no. 3289 in the amount of \$130.00 for the Late Oath or Declaration Surcharge as stated in the Notice.

Please charge Deposit Account No. 501914 for any fee deficiency that may be due.

Respectfully Submitted,
Shemwell Gregory & Courtney LLP

Date January 14, 2004


Barbara B. Courtney
Reg. No. 42,442



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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/670,640	09/24/2003	David Kitson	DYNG.P001

Shermwell Gregory & Courtney LLP
Suite 201
4880 Stevens Creek Blvd.
San Jose, CA 95129

CONFIRMATION NO. 6817

FORMALITIES LETTER



0C000000011513497

Date Mailed: 12/17/2003

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$130** for a Large Entity

- **\$130** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
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P.O. Box 1450
Alexandria VA 22313-1450

01/23/2004 HAHMED1 00000077 10670640

01 FC:1051 130.00-0P

*A copy of this notice **MUST** be returned with the reply.*

Vincent M. Webb

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE





Approved for use through 07/31/2006, OMB 0551-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 130.00)

Complete if Known

Application Number 10/670,640
Filing Date September 24, 2003
First Named Inventor David Kitson
Examiner Name Not assigned
Art Unit 2621
Attorney Docket No. DYNG.P001

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

501914

Shemwell Gregory & Courtney

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 305	Utility filing fee	0
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1) (\$ 0)			

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
0	-20** = 0	X	0
0	-3** = 0	X	0
0			
0			

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 over original patent

SUBTOTAL (2) (\$ 0)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity - Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	2051 65	Surcharge - late filing fee or oath	130.00
1052 50	2052 25	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	2053 130	2053 130	Non-English specification	
1812 2,520	2812 2,520	2812 2,520	For filing a request for ex parte reexamination	
1804 920*	2804 920*	2804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	2805 1,840*	2805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	2251 55	Extension for reply within first month	
1252 420	2252 210	2252 210	Extension for reply within second month	
1253 950	2253 475	2253 475	Extension for reply within third month	
1254 1,480	2254 740	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	2401 165	Notice of Appeal	
1402 330	2402 165	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	2403 145	Request for oral hearing	
1451 1,510	2451 1,510	2451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	2502 240	Design issue fee	
1503 640	2503 320	2503 320	Plant issue fee	
1480 130	2480 130	2480 130	Petitions to the Commissioner	
1807 50	2807 50	2807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	2806 180	2806 180	Submission of Information Disclosure Stmt	
8021 40	28021 40	28021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	2801 385	Request for Continued Examination (RCE)	
1802 900	2802 900	2802 900	Request for expedited examination of a design application	
Other fee (specify) _____				
*Reduced by Basic Filing Fee Paid				
SUBTOTAL (3) (\$ 130.00)				

SUBMITTED BY

Name (Print/Type) Barbara B. Courtney
Signature *Barbara B. Courtney*

Registration No. 42,442
(Attorney/Agent)

(Complete if applicable)

Telephone 408-236-6647
Date 01-13-04

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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